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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/843,429

Applicant(s)

MARSH ET AL.

Examiner

Tuan A. Vu

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-16,18-24 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-16,18-24 and 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is responsive to the Applicant's response filed 6/5/07.

As indicated in Applicant's response, no claims have been amended. Claims 1-2, 4-16, 18-24, 26-35 are pending in the office action.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 35 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, claim 35 recites first, second, and third processors ( top 7 lines of claim); that is, a first processor comprising a plurality of gateways in a network, a second processor comprising a call controller; and a third processor comprising a management system associated with the call controller; and there is not sufficient disclosure description for this. From the Specifications, there are gateways controlled by a module called a softswitch, and a management system (which can entail a distinct machine – system 46, Fig. 3) separate from the softswitch ( which is basically a software entity); but it is unclear as to whether each gateway is a processor as claimed; nor is it factual that the module containing a softswitch as shown in Figure 3 is actually a processor on its own ( emphasis added), one which is distinct from any one the plurality of gateway type of processors -- if any -- and from the management system machine. The term

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processor or computer is not sufficiently used in the Specifications in a context that explicitly puts forth that the network is implemented with 3 instances of distinct processors as required by the claim language. One skill in the art would not be able to construe the network as claimed as actually having the 3 distinct data processors as recited, unless this *data processor* is but mere software entity, which is not clear from the Specifications and possibly, would lead to a non-statutory subject matter. As a whole, the 3 data processor limitation is not sufficiently taught in the Disclosure; and the Applicant is deemed not in possession of such teaching by the time the invention was made. For the prosecution, the first, second and third processor limitation will be treated as though one processor is for the management module, and whenever possible, a second processor is for the gateway software under the control of the management machine; i.e. treating without restriction these entities either as software entities OR hardware embodied entities.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-16, 18-24, 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reifer et al., USPN: 6, 421,727 (hereinafter Reifer), and further in view of Bloch et al., USPubN: 2002/0188713 (hereinafter Bloch).

**As per claim 1**, Reifer discloses method comprising:

downloading a call service component to a call controller in response to a network carrier turning on a new service (e.g. col. 3 li. 54-67; Fig. 6 – Note: message or event/call records reads

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on downloading a component to a gateway from a PSTN server – see Fig. 2-3, Fig 4) that corresponds to the call service component, for a particular user area (LAN – Fig. 1-2; LAC's - col. 3 li 52 to col. 4 li. 17) comprising a plurality of users, wherein a call service component is downloaded when a new service is turned on (e.g. *activation* – col. 5, li. 38-50; *activate* – Fig. 11);

using the call service component to support telecommunication traffic to or from a gateway under control of the call controller (e.g. Fig. 6-7; Fig 11-12; col. 8, lines 26-40); and removing the call service component from the call controller when the network carrier shuts off (e.g. *deactivate* - Fig 10, 11) the new service corresponding to the call service component for the particular user area in the network.

But Reifer does not explicitly disclose that the service component download is not on a per-call basis. Reifer discloses an update activity for the gateway or files needed for the GBS to perform its administrator updates ( e.g. *for a given Gateway* - col. 21, li. 30-60) to effectuate non-call basis activities, all of which suggestive of administrative update using database connectivity analogous to non-request off-line basis. The upgrade as maintenance during off-line period for server software is taught by the softswitch architecture by Bloch (e.g. *gateway* - para 0009, pg. 1; para 0114, pg. 8) for call processing analogous to call request service by Reifer's gateway. In view of the maintenance concept behind database related requirements set by the administration modules by Reifer ( Administration module - col. 12-19), it would have been obvious for one skill in the art at the time the invention was made to provide a maintenance of gateway software so that non-time critical upgrade or replacement software be downloaded as update files to reconfigure the gateway software and this is endeavored by both Reifer's update (

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see col. 21, li. 30-60) and Bloch's maintenance ( see para 0011, pg. 2) such that needed changes to the controller would be transparent to the user without risk of disrupting the network service (see para 0114, pg. 8).

**As per claim 2**, Reifer discloses including dynamically downloading the call service component ( see col. 8, lines 26-40).

**As per claim 4**, Reifer discloses a half-call model that views a call either as an originating or a terminating segment of the call (e.g. deactivate - Fig 10, 1 – Note: every call request or service is composed of half-call to activate or deactivate with respect to originator and destinator – see *portion of a call* – col. 7, line 12-14).

**As per claim 5**, Reifer discloses downloading the call service component from a central repository (e.g. *from SPNet database ... changes to the IRIDIUM network* – col. 21, li. 30-50).

**As per claim 6**, Reifer discloses wherein each segment of the call handles service and access protocols according to a previously downloaded call service component with which the segment is associated (e.g. RTX records – Fig. 7; Customer contract ...Contract Search – Fig. 10-11; Matching 620 – Fig .6).

**As per claim 7**, Reifer discloses wherein each call service component comprises a wrapper surrounding a set of core functions (e.g. col. 3 li. 54-67; *message services* – col. 4, lines 5-17 -), wherein the wrapper supports dynamic downloading of the component ( re claim 1 - Note: a service to parse a message reads on a wrapper, a message being an inter-application interface including core functions encapsulated within that are to be parsed) to the call controller.

**As per claim 8**, Reifer discloses wherein downloading the call service occurs while the call controller is operational and supporting live traffic, the call service being downloaded without disrupting the live traffic ( re claim 1).

**As per claim 9**, Reifer discloses wherein the call service component comprises an application component for implementing call behavior (e.g. col. 7, li. 49 to col. 8, li. 40; col. 9, line 40 to col. 10, line 37).

**As per claim 10**, Reifer discloses wherein the call service component comprises a resource component for providing access to telephony resources (col. 7, li. 49 to col. 8, li. 40; col. 9, line 40 to col. 10, line 37 ) by an application component that implements call behavior (e.g. Fig. 11-14).

**As per claims 11-12**, Reifer discloses establishing a call having an originating segment and an terminating segment ( re claim 4: col. 7, line 12-14); but does not explicitly disclose that the originating segment uses the call service component downloaded to the call controller; and wherein the call service component downloaded to the call controller represents a first call type, and wherein the call has a terminating segment that represents a different call type. But based on the download of application code to support client interaction with SPNet ( see col. 9, li. 15 to col. 10, li. 67; Activate, Suspend, Deactivate – Fig. 11) it would have been obvious for one skill in the art to utilize the above downloaded code to support Reifer's above implied teaching via a Gateway for addressing an originating segment and an termination segment to support the client's endeavor about the activation/deactivation process as established by the SPNet service in light of the client interactive process based thereon ( see Fig. 10-12).

**As per claim 13**, Reifer discloses establishing a call ( to a database ) having a terminating segment that uses the call service component downloaded to the call controller, in light of the rationale as to update or provide replacement code to the gateway controller software from claim 1.

**As per claim 14**, Reifer discloses wherein the call service component downloaded to the call controller represents a first call type, and wherein the call has an originating segment that represents a different call type (see Fig. 1-2 – Note: varying with the area of the wireless coverage of a transponder or satellite, the type of call therein reads on different type).

**As per claim 15**, Reifer discloses a telecommunication system comprising:  
a data store comprising a repository of call service components (e.g. provider ...  
download col. 9, lines 7-28 );

a first data processor comprising a call controller; and a second data processor  
comprising a gateway under control of the call controller ( e.g. BSS, GBS – Fig. 4);

wherein the call controller is configured for downloading a call service component from the repository in response to a network carrier turning on a new service that corresponds to the call service component (e.g. download - col. 9, li. 1-27; – Fig. 9), for a particular user area in the network, wherein the particular user area comprises a plurality of users, wherein a call service component is downloaded when a new service is turned on (e.g. *activation* – col. 5, li. 38-50; *activate* - Fig .11);

using the call service component to support telecommunication traffic to or from the gateway (e.g. *activation* – col. 5, li. 38-50; Fig .11; col. 9, li. 15 to col. 10, li. 67; *Activate*, *Suspend*, *Deactivate* – Fig. 11); and removing the call service component from the call controller



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when the network carrier shuts off the new service corresponding to the call service component (e.g. *deactivate* - Fig 10, 1 – Note: every call request or service is composed of half-call to activate or deactivate with respect to originator and destinator – see *portion of a call* – col. 7, line 12-14) for the particular user area in the network (LAN – Fig. 1-2; LAC's -col. 3 li 52 to col. 4 li. 17).

But Reifer does not explicitly disclose that the service component download is not on a per-call basis; however this limitation has been addressed as set forth in claim 1 using Bloch and Reifer combination.

**As per claims 16, 18-21, and 22**, refer to corresponding rejection set forth in claims 2, 4, 6-8, and 9-10, respectively.

**As per claim 23**, Reifer discloses an article comprising a computer-readable medium storing computer-readable instructions for causing a computer system to:

download a particular call service component from a repository of call service components in response to a network carrier turning on a new service that corresponds to the particular call service component for a particular user area comprising a plurality of users wherein a call service component is downloaded when a new service is turned on;

use the particular call service component to support telecommunication traffic to or from a gateway under control of a call controller; and

remove the call service component from the call controller when the network carrier shuts off the new service corresponding to the call service component for the particular user area in the network;

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all of which limitations having been addressed in claim 1; however, Reifer does not explicitly disclose that the service component download is not on a per-call basis; but this limitation has been addressed as set forth in claim 1 using Bloch and Reifer combination.

**As per claims 24, 26-31 and 32-33**, refer to corresponding rejection set forth in claims 2, 4, 6-10, 13 and 12, respectively

**As per claim 34**, Reifer discloses a method comprising

dynamically downloading a call service component to a call controller when a network carrier turns on a new service corresponding to the call service component, for a particular user area that comprises a plurality of users ( refer to claim 1 for corresponding rejection), wherein a call service component is only downloaded when a new service is turned on ( re claim 1);

using the call service component to support telecommunication traffic to or from a gateway under control of the call controller; and removing the call service component from the call controller when the network carrier shuts off the new service corresponding to the call service component for the particular user area in the network ( re claim 1), wherein the call service component comprises a wrapper surrounding a set of core functions, wherein the wrapper supports the dynamic downloading of the call service component to the call controller ( re claim 7).

But Reifer does not explicitly disclose that the service component download is not on a per-call basis; however this limitation has been addressed as set forth in claim 1 using Bloch and Reifer combination.

**As per claim 35**, Reifer discloses a system comprising:

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a network carrier; a first data processor comprising a plurality of media gateways associated with the network carrier ( Fig. 1-3); a second data processor comprising a call controller adapted to control a first one of the media gateways (BSS, GBS – Fig. 4 );

a third data processor comprising a management system associated with the call controller, wherein the management system is adapted to:

direct dynamic downloading of a service component ( col. 5, lines 4-12 – Note: multi services handled by a BSS reads on a third processor – see Fig. 1-2) to the call controller through when the network carrier turns on a new service (*activation* – col. 5, li. 38-50; activate – Fig. 11) for the plurality of media gateways ( *gateways 110*, col. 4, lines 63-64), wherein a call service component is downloaded when a new service is turned on ( re claim 1);

wherein the service component comprises a set of core functions surrounded by a wrapper, the set of core functions provides functionality associated with the service component, and the wrapper supports the dynamic downloading ( re claim 7) and control configuration of the first media gateway and the call controller ( Fig. 4; Fig. 11-14);

wherein the call controller is adapted to use service component to support telecommunication traffic to or from the first media gateway ( re claim 1), and

wherein the management system is adapted to remove the service component when the network carrier shuts off the new service corresponding to the call service component for the plurality of media gateways ( re claim 1).

Reifer does not disclose dynamic downloading through Java Dynamic Management Kit framework; but in view of the interactive application where the downloaded Java component is used to manipulate application definition, Javascript editing, form filling based user's interaction

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and browser-based (or GUI-tool) modification for the call service ( see col. 9, line 7 to col. 10, line 67; Fig. 11-14), the Java framework is disclosed.

Nor does Reifer explicitly disclose that the service component download is not on a per-call basis; however this limitation has been addressed as set forth in claim 1 using Bloch and Reifer combination.

### *Response to Arguments*

6. Applicant's arguments filed 6/5/07 have been fully considered but they are not persuasive. Following are the Examiner's observation in regard thereto.

#### **35 USC § 112 Rejection:**

(A) Applicant has submitted that based on the Specifications, in part from Fig. 3, *aspects* of the system can be implemented with 'one or more processors' and first, second, and third processor as claimed are supported by proper description. Whether *features* can be implemented in hardware, and system *aspects* implemented **to include** one or more processors, as alleged from above, this does not consolidate a claimed requirement that one separate processor has to embody respectively what is called a *management system*, a *controller*, and a *gateway*. The established fact that (at the time the invention was made) any *management* entity, *controller* entity, or *gateway* entity could be either in hardware or software does NOT enable one of ordinary skill in the art to accept that these entities are embodied as distinct **hardware processor** per se as proffered by the argument without corroboration from convincing evidence therefor. It is unclear whether the entities discussed in Figure 3 (see pg. 9 of Specifications) are defined as *aspects* and then explicitly supported by some *processor* dedicated for each of the so-called aspect. When Applicant attempts to assert that *management system*, *softswitch* (note: claim 35 is

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silent about a softswitch), and *gateways* are *aspects* (note: claim 35 is silent about a *aspect*) to derive that *aspects* are hardware implemented as in *first*, *second*, and *third processor*, Applicant appears to exercise a linking of disparate concepts, all of which disjoint from the very language of the claim, using deduction, which amounts very much to a biased analysis using extraneous and preconceived knowledge outside of the claim context. The claim (first, second and third processor) on its own should have direct explicit support from the Specifications. The Disclosure does not define that any of the claimed *management system*, a *controller*, and a *gateway* entities are *aspect*, and when the Specifications only describes these *aspects* as *computer programs* (Specifications, pg. 29 bottom), the otherwise import of non-explicit and far from convincing teaching into the claim is deemed insufficient to support Applicant's rationale. Further, Applicant's line of reasoning does not regard broad interpretation of one skill in the art faced with the actual language of the claim. The entities as actually recited are not *features* or *aspects* but mere embodiment in distinct processors, which is not disclosed as set forth above. In short, there is nothing in the claim that requires importing the term 'aspect' into the claim, let alone the finding that this *aspects* term is found to be just computer programs. The rejection will stand as not supported by proper description in the Disclosure.

**35 USC § 103 Rejection:**

(B) Applicant has submitted that the invention as provided in the Specifications discusses carrier system turning on a new service wherein all hardware interfaces and media gateways capabilities are configured anew via addition of downloaded components; and that the piecemeal teachings from Reifer merely provide disparate aspects alleged in the Office Action to meet the above service turning (Appl. Rmrks pg. 10, bottom, pg. 11, top). In response, the Applicant's

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mapping of certain parts of Reifer against a paraphrased bundle of what appears to be in some claim appears very vague and not to point. That is, there is nothing specific in the above argument in terms of pointing out how the cited portions of Reifer distinguish over a specific language of the claim (over any particular claim for that matter), and it is inquired which part of the argument is compliant with applying a proper CFR 1.111(b) type of response. Applicant has further added that Reifer's downloaded component is in response to an user to initiate a call or for that user to place a call, not about a component for a particular user area comprising a plurality of users (Appl. Rmrks pg. 11, 3<sup>rd</sup> para) so that Reifer's cited portions to mean activation, deactivation, and services changes amount to a misplaced mapping by the Office Action against a 'changing in service for a plurality of users' (Appl. Rmrks, pg. 12, top). The Rejection has clearly addressed the issue about a download of component related to a service when such download is not for *per-call basis*; and the Applicant contends to emphasize of a lack of teaching against one reference where in fact the argument should be more properly focused on the **combination** of teachings. Moreover, the claim language recited as 'turning on a new service ... corresponds to the call service component' is not sufficient to statutorily include most or all of the level of details Applicant attempts to bring forth by way of pasting a whole paragraph of the Disclosure. Let's take claim 1 (and what is interpreted from its very language) as example. With respect to the first paragraph of this claim and based on the interpretation thereof, and according to the Office Action, this is what Reifer discloses: when a call is serviced, it is considered a turning on of that instance by the carrier (any turning on of a *service* instance is considered not old, i.e. *new service*); and downloading as taught by Reifer for a component to be used for that instance reads on in response to a turning on for this new instance, the component corresponding

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to that call service instance. As for the phrase ‘corresponds to the call service component, for a particular user area comprising a plurality of users...’ the claim does not successfully establish any compelling linkage between the ‘plurality of users’ and the downloading context for a ‘new service that corresponds to the call service component’, for it appears as though ‘... , for a particular user area ... plurality of users’ is a fragment of sentence without semantic and stringent association with the *downloading* step whatsoever, when common knowledge has it that a telecommunication carrier is fundamentally purported for providing a geographical area service including download or hookup for more than one users everyday, this established and fundamental knowledge is treating this ‘plurality of users’ as mere known concept without any profound or novel implication, or mere global intended use. In terms of CFR § 1.111b, the Applicant has to indicate which claim it is that is to be analyzed and based on the specific wording of the claimed limitations therein (notwithstanding their possible broad interpretation by one person of skill other than the inventor), identify the corresponding (prior art) portions that are set forth in the Office Action to map a reference teaching against said limitation; and recognize when a limitation has been identified as not anticipated but somehow rendered obvious in order to put forth adequate justification as to how non-obviousness would be more in order. The above argument does not fulfill either part of the above CFR, because it appears to discuss a particular and rather loaded material without referring to any claim and any specific language therein and thereby improperly expects the Office Action to withdraw a § 103 rejection when the arguments for attacking individual reference, do not bear any semblance of a proper prima facie form against a combination of references. The argument is not sufficient to overcome the rejection.

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(C) Applicant has submitted that the component by Reifer is for connecting individual calls, not for a particular area comprising a plurality of users' (Appl. Rmrks pg. 11, bottom half). The claimed limitation has nothing to preclude interpretation leading to the Office Action utilizing the following scenario: servicing being rendered for a user (of a NW area) with downloading of component for one such instance being serviced as a new turn-on as by Reifer. As far as a proper CFR 1.111 is concerned, it is not clear what claim (for that matter, its pertinent subject matter) is at stakes here. Nevertheless, based on the language of claim 1 as set forth above, it is deemed that 'for a particular area comprising ... plurality of users' as blunt as it is inserted in the claim between 2 commas (',') does not enforce or efficiently depict a scenario of the like of the following: a component is solely requested to be available one time and utilizable in a long term to all these plurality of users by way one initial (effectuated by a service machine administrating tool) turn-on process effectuating a new service initial boot, configuration or installation including one download request; such that as downloaded, the component is solely for enabling the carrier provider machine or facilities to provide functionality (based on said component that is subsequently rendered utilizable by the carrier server) so to support servicing the NW area as a permanent server utility operating without interruption. It appears that the claim is lacking essential teachings to arrive to what is the crux of the Applicant's invention as construed throughout the relevant parts of the Disclosure. But arguing that Reifer does not teach a component for 'a particular area comprising a plurality of users' is not deemed commensurate with how this limitation has been interpreted in the Office Action; and this is referred back to section B above.



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(D) Applicant has submitted Reifer's individual call support is not same as a service turning in a telecommunication traffic support to and from a gateway, i.e. turning of new service that is for a plurality of users, such that disconnecting as by Reifer only supports removing by way of deactivating one instance of user call, not removing a service for a plurality of users (Appl. Rmrks pg. 12, top, middle). The impact of the phrase 'for a particular area ... plurality of users' is been analyzed as bringing no requirement to the effect that the download step is for initializing installation of a component at a NW server location in order for the component at that very download state to be available as one NW carrier permanent utility to service the whole network area. The claim is putting piecemeal elements with very unclear relationship between them, e.g. the *plurality of users*, the *turning on*, and the downloaded *component that corresponds to the call service component*. It is unclear how a *call service*, all together with its component being downloaded actually implicates a *plurality of users* of a NW area, when the turn on of a service is only for a *component* to be downloaded thereby it corresponds to a *call service*. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The claim language of claim 1 (for example) does not provide sufficient teaching as to preclude the service instance turning by Reifer to be inapposite with the claimed subject matter as it is interpreted. Besides, the Applicant fails to provide proper grounds as to how the subject matter of the claim (say, claim 1 by default of any claim being identified) would be non-obvious by attacking but one single reference.

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(E) Applicant has submitted that Bloch does not teach 'update' in response to a network carrier turning on a new service (Appl. Rmrks pg. 13, top). The limitation as to *turn on a service call* using a corresponding component via a download has been analyzed in sections B, C and D. The 'not as per-call basis' has been interpreted as NOT an online process because a online process is one during which a user session would be instantiated, hence 'not as per-call basis' has been construed as an administrative process that happens off-line. And this update being effectuated offline by Bloch can be viewed as server functionality provided (off-line) for use (in a permanent basis) by the carrier facilities whereas the NW carrier normally services the per-call basis during online time. To rebut against a § 103 type of rejection, it is expected that Applicant provides well-grounded arguments (and exhaust all possible argumentation resources therefor) in order to convey how using administrative download (as by Bloch) outside of on-session context would be inapposite to support offline update to the otherwise online-based telecommunication service as by Reifer. Again, Applicant fails to provide a convincing argument in order to discredit the rationale as to combine Bloch and Reifer.

In all, the claims stand rejected as set forth in the Office Action.

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 ( for non-official correspondence - please consult Examiner before using) or 571-273-8300 ( for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'Tuan A Vu', with a long horizontal flourish extending to the right.

Tuan A Vu  
Patent Examiner,  
Art Unit 2193  
August 13, 2007